

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
(Greenbelt Division)

In re:	:	
	:	
LENWARD C. HOOD,	:	Case No. 09-2-1980-PM
	:	Chapter 13
Debtor.	:	
	:	

**TRUSTEE'S OBJECTION TO DEBTOR'S
CHAPTER 13 PLAN DATED JULY 15, 2009**

Timothy P. Branigan, Chapter 13 trustee in the above-captioned case ("Trustee"), pursuant to section 1325 of the Bankruptcy Code and Bankruptcy Rule 3015(f) objects to confirmation of the Debtor's Chapter 13 plan dated July 15, 2009 (the "Plan"). In support of his opposition, the Trustee respectfully represents the following:

1. The Debtor commenced this case under Chapter 13 on July 1, 2009. The Plan proposes to pay \$550.00 monthly for 60 months for a gross funding of \$33,000.00.

2. The Debtor has failed to make the payments proposed under the Plan. At this time, two payments are due in the total amount of \$1,100.00. The Trustee has received \$550.00. Accordingly, the Debtor has not demonstrated that the Plan is feasible, and the Plan does not satisfy the requirement of section 1325(a)(6) of the Bankruptcy Code.

3. The Debtor has failed to provide documentation supporting income listed on Schedule I of an indeterminate amount per month for monthly business income as requested by the Trustee at the meeting of creditors. Accordingly, the Trustee cannot determine whether the Plan is feasible. The Plan does not satisfy the requirements of section 1325(a)(6) of the Bankruptcy Code. At this time, the Debtor has failed to fully cooperate with the Trustee as required under section 521(a)(3) of the Bankruptcy Code.

4. The Debtor has failed to provide business tax returns for 2008, proof of general commercial liability insurance, balance sheets, profit and loss statements, and failed to correct his address with the Court as requested by the Trustee. At this time, the Debtor has failed to fully cooperate with the Trustee as required under section 521(a)(3) of the Bankruptcy Code.

5. The Debtor has non-exempt equity of at least \$67,500.00 in real property. The Plan does not satisfy the requirements of section 1325(a)(4) of the Bankruptcy Code.

6. The Debtor has not adequately proved ownership and the market value of scheduled real property. The Plan does not satisfy the requirements of section 1325(a)(4) of the Bankruptcy Code.

7. The Plan must be amended to provide that all unsecured claims will be paid in full due to the September 2008 transfer of 12019 Aten Street from the Debtor to the Debtor and his wife as tenants by the entirety.

8. Accordingly, the Plan should not be confirmed.

PLEASE TAKE NOTICE THAT *THIS OBJECTION MUST BE RESOLVED AT LEAST 2 BUSINESS DAYS PRIOR TO THE CONFIRMATION HEARING*. AFTER THAT TIME, THE TRUSTEE MAY DECLINE TO ACCEPT MATERIALS THAT HE HAS REQUESTED FROM THE DEBTOR. THE TRUSTEE MAY DECLINE TO DISCUSS THE CASE AT THE CONFIRMATION HEARING. THE DEBTOR SHOULD EXPECT THAT ANY UNRESOLVED OBJECTION WILL BE HEARD BY THE COURT.

Respectfully submitted,

September 1, 2009

/s/ Timothy P. Branigan

Timothy P. Branigan (Fed. Bar No. 06295)

Chapter 13 Trustee

P.O. Box 1902

Laurel, Maryland 20725-1902

(301) 483-9118

Certificate of Service of Objection to Chapter 13 Plan

I hereby certify that, to the extent that the following persons were not served electronically via the CM/ECF system, I caused a copy of the pleading referenced above to be sent on September 1, 2009 by first-class U.S. mail, postage prepaid to:

Lenward C. Hood
12010 Autumnwood Lane
Fort Washington, MD 20744

Sharon Y. DeBerry, Esq.
Kelsey and DeBerry
9200 Basil Court, Suite 550
Largo, MD 20774

/s/ Timothy P. Branigan

Timothy P. Branigan (Fed. Bar No. 06295)